S.B.Criminal Revision Petition No.1363/2007

Brij Prakash & Ors.
V.
State of Rajasthan & Anr.

Date of Order :: 13th December, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. N.L.Joshi, for the petitioners.
Mr. V.R.Mehta, Public Prosecutor.

....

By order impugned dated 12.11.2007 passed by learned Additional Sessions Judge (Fast Track) No.2, Hanumangarh, an application preferred by the petitioners under Section 311 Cr.P.C. to summon PW-6 Vijay Laxmi for cross examination stood rejected.

The contention of counsel for the petitioners while assailing validity of the order aforesaid is that as a matter of fact PW-6 Vijay Laxmi is the sole eye witness of the alleged occurrence of offence and denial of cross examination shall seriously prejudice right of the petitioners to advance their defence. It is also asserted by counsel for the petitioners that on 19.7.2007 the matter was adjourned due to non availability of the Presiding Officer and on 30.7.2007 the matter was adjourned due to non availability of prosecution witness.

Be that as it may, looking to all facts and circumstances of the case, I consider it necessary to meet the ends of justice to provide atleast one

opportunity to the petitioners to cross examine PW-6 Vijay Laxmi.

Accordingly, this revision petition is allowed. The order dated 12.11.2007 passed by learned Additional Sessions Judge (Fast Track) No.2, Hanumangarh in Sessions Case No.51/2007 is quashed. It is directed that PW-6 Vijay Laxmi be summoned for her cross examination. The petitioners shall be having an opportunity to cross examine the aforesaid prosecution witness. It is made clear that the petitioners shall cross examine prosecution witness Vijay Laxmi on the day she appears before the court and no further opportunity shall be given for her cross examination.

(GOVIND MATHUR),J.

Kkm/ps.